

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALLEN MORRIS,

Plaintiff,

vs.

7:09-CV-1412

**JEFFERSON COUNTY PUBLIC DEFENDER'S
OFFICE,**

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated January 19, 2010 recommended that Plaintiff's Complaint be dismissed unless he files an amended Complaint within thirty days and that, upon the filing of an amended complaint, it be referred to the Magistrate Judge for further review. The Magistrate Judge denied the application to proceed in forma pauperis. Plaintiff filed objections to the Report-Recommendation.

When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. §

636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

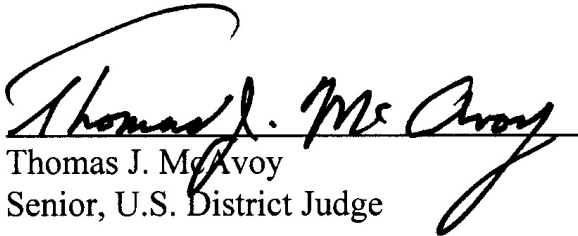
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff’s objections, this Court has determined to accept and adopt the recommendation for the reasons stated therein.

It appearing that Plaintiff has now filed an amended complaint, it is

ORDERED that the amended complaint be referred to the Magistrate Judge for further review.

IT IS SO ORDERED.

Dated: February 3, 2010


Thomas J. McAvoy
Senior, U.S. District Judge